

REMARKS

Reconsideration and the timely allowance of the pending claims, in view of the following remarks, are respectfully requested.

In the Office Action dated July 28, 2006, the Examiner rejected claims 1-7, under 35 U.S.C. §103(a), as being allegedly being unpatentable over by Abe '978 (U.S. Patent No. 6,404,978).

By this Amendment, Applicants have amended independent claims 1 and 7 to provide a clearer presentation of the claimed subject matter. Applicants submit that no new matter has been introduced. As such, claims 1-7 are presented for examination of which claims 1 and 7 remain the sole independent claims.

Applicants respectfully traverse the prior art rejections, under 35 U.S.C. §103(a) for the following reasons:

I. Prior Art Rejections Under 35 U.S.C. §103(a).

As indicated above, amended independent claim 1 positively recites, *inter alia*, a creation section configured to automatically create the chapter management information that specifies the start and end of a chapter when the command for specifying a chapter boundary is assigned. Claim 1 also positively recites a recording section configured to automatically create an image at the start of the set chapter as a still picture, automatically create the thumbnail management information, and automatically record the created information in the recording medium.

These features are amply supported by the embodiments described in the written description. (*See, e.g.*, Specification: page 26, line 26 – page 27, line 23; FIGs. 7, 8). For example, the disclosed embodiments provide that when a cursor is pointed to "divide" in the button region 81c and the enter key is depressed a chapter boundary is set at the position and a chapter is automatically created between the set chapter boundary and the formerly-set chapter boundary. That is, set chapter boundary specifies the end of the chapter created between the set chapter boundary and the formerly-set chapter boundary (if there is none, the head of the title), and specifies the beginning of the chapter to be created between the set

chapter boundary and the chapter boundary to be set later (if there is none, the end of the title). The set chapter boundary also facilitates the automatic creation of the thumbnail of the start image of the chapter, which is created between the set chapter boundary and the chapter boundary to be set later (if there is none, the end of the title), and the thumbnail is used as a thumbnail of the chapter.

In contrast to the Examiner's assertions, the Abe '978 reference fails to teach each and every element of claim 1, including the features identified above. In particular, Abe '978 is directed to an editing apparatus for creating an edit decision list. (*See, e.g., Abe '978*: col. 2, line 559-61; FIG. 1). Abe '978 discloses the use of a clip creating window 40 that includes three display sections, an image display section 43 displays video material that is edited by an operator to create various "clips", an in-point display section 45B displays the frame image of the in-point of a clip, and out-point image display section 46B displays the frame image of the out-point of a clip. (*See, e.g., Abe '978*: col. 4, lines 5-11; FIG. 3). With this configuration, Abe '978 provides that to create the clips, the operator clicks an in-point button 45A and an out-point button 46A to specify an in-point (the start point of the clip) and an out-point (the end point of the clip), respectively. The in-point frame image and time code of the specified in-point are displayed in an in-point image display section 45B and an in-point time code display section 45C, respectively. The out-point frame image and time code of the specified out-point are displayed in an output-point image display section 46B and an out-point time code display section 46C respectively. The time length of the clip is displayed in a duration display section 47. (*See, e.g., Abe '978*: col. 4, lines 21-32; FIG. 3).

Abe '978 specifically states that, after specifying an in-point and an out-point of the video material, the operator registers the segment between the in-point and the out-point of that audio/video material as a clip by clicking an add button 48. The frame image of the in-point is then displayed in the selected material display window 41. (*See, e.g., Abe '978*: col. 4, lines 34-37; FIG. 3).

In so doing, there is nothing in Abe '978 that teaches or suggests the use of a creation section configured to *automatically create* the chapter management information that specifies the start and end of a chapter when the command for specifying a chapter boundary is assigned, as required by claim 1. Nor is there anything in Abe '978 that teaches or suggests that the recording section is configured to *automatically create* an image at the start of the set chapter as a still picture, *automatically create* the thumb nail management information, and

automatically record the created information in the recording medium, as also required by claim 1.

For at least this reasons, Applicant submits that the Abe '978 reference does not teach each and every element of claim 1. As such, claim 1 is patentable over the Abe '978 reference. Moreover, because claims 2-6 depend from claim 1, claims 2-6 are patentable at least by virtue of dependency as well as for their additional recitations. Accordingly, the immediate withdrawal of the prior art rejections of claims 1-6 is respectfully requested.

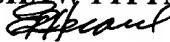
Furthermore, independent claim 7 recites similar patentable features as identified above with respect to claim 1. As such, claim 7 is patentable for at least the reasons presented with respect to claim 1. Accordingly, the immediate withdrawal of the prior art rejections of claim 7 is respectfully requested.

II. Conclusion.

All matters having been addressed and in view of the foregoing, Applicants respectfully request the entry of this Amendment, the Examiner's reconsideration of this application, and the immediate allowance of all pending claims.

Applicants' Counsel remains ready to assist the Examiner in any way to facilitate and expedite the prosecution of this matter. Please charge any fees associated with the submission of this paper to Deposit Account Number **03-3975**. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

**PILLSBURY WINTHROP
SHAW PITTMAN LLP**

E. RICO HERNANDEZ
Reg. No. **47,641**
Tel. No. 703.770.7788
Fax No. 703.770.7901

Date: October 17, 2006
P.O. Box 10500
McLean, VA 22102
(703) 770-7900